

\$11 million awarded in verdict against Devereux

By Michael P. Rellahan,

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A Common Pleas Court jury's verdict last week in Philadelphia against the Devereux Foundation could reverberate in the matter surrounding the home invasion case involving an East Brandywine woman.

On Thursday, the jury awarded a Philadelphia man \$11 million after finding the foundation, which operates one of its residential behavioral rehabilitation facilities in Wallace, liable in an attack against him by a juvenile who had been at the facility, but who walked away from it without permission.

Dominic Guerrini, the attorney from the Philadelphia law firm of Kline & Specter who represented plaintiff Eric Johnson in the trial, was quoted as saying the verdict, "should be a wake-up call to Devereux that things need to change, especially in light of recent events."

In a press release issued after the jury's verdict was announced, the firm referenced the March 2 arrest of a 17-year-old youth from Delaware County who was arrested and charged with the attack on a 72-year-old woman in her Creek Road home, not far from the same Devereux campus where he was a resident. She was found, dehydrated and bruised, after four days, bound and locked in a closet.

The woman, who was discovered when a relative came to visit her, had been released from Paoli Hospital, where she was taken for treatment after the incident. She is recuperating with family, according to officials.

The juvenile who allegedly attacked the woman, known by the initials K.F., is awaiting a motion to transfer his case to adult court. No date has been set for the next hearing in the case. K.F. is being held in detention at the Chester County Youth Center.

The civil lawsuit claimed that Devereux was grossly negligent and reckless in its supervision of juveniles at the facility and was responsible in part for the injuries suffered by Eric Johnson by allowing 17-year-old resident Shykir Crew to walk away from the facility, which he had done

once before. The lawsuit contended that the lack of supervision occurred despite the knowledge that the juveniles housed there posed a threat to the community if they left.

“Today’s verdict does not reflect the seriousness with which Devereux focuses on safety and quality, or the compassionate and effective care we provide every day,” Leah S. Yaw, senior vice president of Devereux Advanced Behavioral Health, said in a statement after the verdict. “Nothing is more important to us, as the extensive evidence presented in this case clearly demonstrated.”

Yaw said that providing behavioral health care to “the most traumatized and vulnerable children and teens in our nation is complex work, but these young people deserve a chance to heal, learn and grow.”

Published reports say the organization plans to appeal the verdict.

At trial, Devereux attorney Joe Tucker contended the organization could not have stopped Coleman’s shooting because it was “unforeseeable.” The attorney noted Crew had an above-average grade point average, had no significant disciplinary record at the school, and had, in fact, never absconded previously. He even was granted permission to enroll in programs through the Downingtown Area School District.

“Everything Devereux knew about Shykir Crew – none of it suggested that he would do what that other jury said he did,” Tucker was quoted as telling the jury in his closing.

The other jury was one that convicted Crew of robbery, aggravated assault, and weapons charges for the attack on Coleman, a neighbor of his in Philadelphia.

The incident occurred at 2 a.m. on June 23, 2011 as Johnson, now 47, returned home in the 5300 block of Girard Avenue from his job as a nursing assistant and technician at St. Christopher’s Hospital. Crew pulled a handgun on him, pointed it at his head, and told Coleman, “Give it up, old head.” When Coleman grappled with him for the weapon, he was shot in the side.

Crew, 22, was sentenced to serve 16 years, 10 months to 47 years, and remains in state prison.

According to the law firm’s press release, the bullet fractured several ribs and lodged in Johnson’s spine, where it remains, causing incomplete paraplegia with paralysis that leaves him walking only with great pain and often confined to a wheelchair. He also suffers from bowel and bladder problems as well as post-traumatic stress disorder from the incident.

“I’m happy that Mr. Johnson will be able to now get the care he needs. This verdict will hopefully send a message to Devereux that they need to do a better job supervising these vulnerable residents,” said Guerrini.